

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PNC BANK NATIONAL ASSOCIATION,

Plaintiff,

Case No. 19-cv-720-pp

v.

ACTION SALES GROUP, LLC and
DANIEL J. BUNCHKOWSKI,

Defendant.

ORDER FOR ENTRY OF DEFAULT JUDGMENT IN FAVOR OF PLAINTIFF

On March 9, 2020, the court denied defendant Bunchkowski's motion to vacate default, granted default judgment in favor of the plaintiff and deferred entry of judgment to give the defendants time to file proof of a good-faith basis for disputing the plaintiff's damages calculations. Dkt. No. 17. The court advised the defendants that if they did not provide that good-faith proof by the end of the day on March 23, 2020, the court would enter default judgment in favor of the plaintiff. *Id.* at 16. As of today—March 26, 2020—the defendants have not provided any proof that they have a good-faith basis for disputing the plaintiff's calculations.

The court **FINDS** that

1. The plaintiff has served the defendants, and the defendants are aware of the lawsuit.
2. The defendants have defaulted.

3. The plaintiff has sufficiently alleged that defendant Action Sales Group, LLC breached the promissory note and the line of credit agreement, and that defendant Bunchkowski breached the guaranty agreement; the court accepts as true the allegations in the complaint.

4. The court has granted the plaintiff's motion for default judgment (dkt. no. 8). Dkt. No. 17.

5. The court **AWARDS** a money judgment against defendant Action Sales Group, LLC, on the first and second causes of action in the complaint, in the amount of \$164,995.62 as of July 30, 2019, plus attorneys' fees and costs, applicable interest, and other fees and costs permitted under the contracts and the law, in the amount of \$4,352.90 as of July 30, 2019.

6. The court **GRANTS** the plaintiff's request for replevin as stated in the third cause of action. The court **ORDERS** that, on the plaintiff's request, the court will execute a writ of replevin ordering that the sheriff or other officer to whom the writ is directed, on payment of any required indemnity bond and other fees required, shall take the specific property of the defendant, Action Sales Group, LLC, that may be found within this district and the jurisdiction of the officer, described as follows:

- a. 8 Standard desktop computers;
- b. 13 all-in-one desktop computers;
- c. 1 Apple iPad Air;
- d. 1 Apple MacPro desktop computer;
- e. 2 Sharp MX-5110N printer/copiers;

- f. 1 Sharp DX-C311 printer copier;
- g. 1 50" Seiki LCD TV;
- h. 1 8' conference table;
- i. 10 conference room chairs;
- j. 1 full-size Hotpoint refrigerator/freezer;
- k. 1 reception area table, lamps and chair.

The officer shall deliver these items to the plaintiff.

7. The court **ENJOINS** the defendants and anyone claiming under the defendants from disposing of and/or damaging the above-referenced equipment. If the plaintiff is unable to recover the equipment, it is entitled to a money judgment for its value and associated damage for the detention of the items under applicable law.

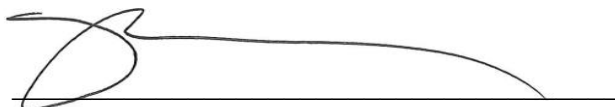
8. The court **AWARDS** a money judgment against defendant Daniel J. Bunchkowski on the fourth cause of action in the complaint in the amount of \$164,995.62 as of July 30, 2019, plus attorneys' fees and costs, applicable interest, and other fees and costs permitted under the contracts and the law, in the amount of \$4,352.90 as of July 30, 2019.

9. The court will enter default judgment accordingly.

10. The court **ORDERS** that this case is **DISMISSED**.

Dated in Milwaukee, Wisconsin this 30th day of March, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge